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Mary Cottrell, Secretary
Department of Telecommunications and Energy
One South Station
Boston, Mass. 02110

RE: D.T.E. 01-81, Bay State Gas proposed Gas Cost Incentive Mechanism

Dear Secretary Cottrell:

This is the response of the weatherization and fuel assistance program network, and the Massachusetts Community Action Program Directors Association Inc. (MASSCAP), collectively MASSCAP *et al.*, to Bay State's Opposition to the Motion to Dismiss of LEAN *et al.*¹

The Motion to Dismiss of LEAN, MASSCAP, *et al.*, in which the Attorney General joined, is based on the impossibility of Bay State entering into gas commodity purchases that both lower overall total costs to customers and provide the price stability under investigation in D.T.E. 01-100. Bay State's Opposition makes the totally unsupported assertion² that the two objectives can be met simultaneously. However, the Company fails to even make an effort to explain how its proposal to base prices to customers on essentially the same volatile spot indices as are used today can reduce the current gas commodity price volatility to customers.³ Thus it is not a question of whether or not Bay State has presented a persuasive case on this point. Bay State has failed to make any case that its Petition in this proceeding is consistent with the Department's investigation in D.T.E. 01-100. It has failed to met its elementary burden of going forward.

¹ LEAN hereby withdraws from this proceeding.

² At 3.

³ There is also a substantial question of whether the Company's proposal will even reduce overall customer prices, but that is not the subject of the instant Motion to Dismiss.

For these reasons, and those described in the initial comment, MASSCAP *et al.* urge the Department to reject BSG's proposed GCIM and dismiss its petition in this case. Alternatively, all action on the Company's petition should be held in abeyance until all issues in D.T.E. 01-100 are resolved.

Respectfully submitted,

Massachusetts Community Action Program Directors Association Inc. *et al.*
Low-Income Energy Affordability Network
by their attorney

cc:

DTE E-filing

Michael Killion, Esq., DTE

John DeTore, Esq., for Bay State Gas

Service List